United Nations A/53/PV.68

General Assembly
Fifty-third Session

Official Records

68th plenary meeting
Tuesday, 24 November 1998, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 10.15 a.m.

Agenda item 38

Oceans and the law of the sea

(a) Law of the Sea

Report of the Secretary-General (A/53/456)

Draft resolution (A/53/L.35)

(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Report of the Secretary-General (A/53/473)

Draft resolution (A/53/L.45)

The President (*interpretation from Spanish*): I call on the representative of Finland to introduce draft resolution A/53/L.35.

Ms. Lehto (Finland): I have the honour, as coordinator, to introduce draft resolution A/53/L.35, under agenda item 38, entitled "Oceans and the law of the sea". The other draft resolution under this item, which concerns large-scale pelagic drift-net fishing, will be introduced by the representative of the United States.

In addition to the 49 countries referred to in document A/53/L.35, the sponsors include Algeria, Croatia, Poland and Singapore.

Draft resolution A/53/L.35 was the result of a series of open-ended consultations among delegations. I would like to express my appreciation to all the delegations that participated in the consultations for their important contributions and their spirit of cooperation. I would also like to thank the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for their valuable assistance to our work.

As in previous years, the focus of the draft resolution is to recall important aspects of the United Nations Convention on the Law of the Sea and to welcome the increase in the number of States parties to the Convention, while encouraging States that have not yet done so to become parties. As the Secretary-General notes in his report (A/53/456), developments in ocean affairs and the law of the sea during this past year, proclaimed the International Year of the Ocean, have clearly signified the overall trend towards universal participation in and adherence to the legal regime established by the Convention. Ensuring a coordinated approach to the implementation of the Convention is now our greatest priority. The draft resolution accordingly calls upon States to harmonize as a matter of priority their national legislation with the provisions of the Convention and to withdraw any declarations that are not in conformity with it.

98-86506 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The three institutions created by the Convention, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, have all been established and have commenced their substantive work in areas within their competence.

The draft resolution takes note with satisfaction of the first judgement of the Tribunal, delivered on 4 December 1997. As many representatives are aware, the Tribunal is currently dealing with the merits of a related case.

The draft resolution recalls the comprehensive dispute settlement system established in part XV of the Convention and encourages States parties to consider making a declaration choosing from the means of settlement of disputes set out in article 287. It requests the Secretary-General to circulate and update lists of conciliators and arbitrators drawn up and maintained in accordance with annexes V and VII to the Convention.

The draft resolution notes with satisfaction the progress in the work of the International Seabed Authority and emphasizes the importance of continued progress towards the adoption of the Regulations on prospecting and exploration for polymetallic nodules. The initial draft regulations, also known as the seabed mining code, were prepared by the Legal and Technical Commission of the Authority and were presented to its Council for review in March 1998.

The financial situation of the International Seabed Authority and the International Tribunal for the Law of the Sea continues to be a cause of concern. The draft resolution appeals to all members of the Authority and all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in order to ensure that they are able to carry out their functions as provided for in the Convention.

The draft resolution also reflects the updated information of the Secretary-General's report on the work done by the Commission on the Limits of the Continental Shelf, which has made substantial progress during its two sessions this year.

It is recalled that the next Meeting of the States Parties to the Convention will be held from 19 to 28 May 1999. During that meeting, on 24 May 1999, the election of seven judges of the International Tribunal for the Law of the Sea will take place.

As the Secretary-General's report notes, the increase in the number of incidents of piracy and armed robbery at sea, as well as the violence of some of these attacks, require our urgent attention. The draft resolution responds to this disquieting information with several new paragraphs. It expresses concern at the increasing threat to shipping from this phenomenon and urges all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat piracy and armed robbery. States are also asked to investigate such incidents wherever they occur and bring the alleged perpetrators to justice.

The draft resolution expresses appreciation and support for the ongoing work of the International Maritime Organization (IMO) in this area and calls upon States to cooperate fully with the IMO to combat piracy and armed robbery against ships.

The draft resolution contains several paragraphs on new developments pertaining to the implementation of the Convention as well as other issues and developments relating to ocean affairs and the law of the sea. It expresses interest in the ongoing work at the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention on the Law of the Sea relating to the underwater cultural heritage, and stresses the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of that Convention.

The draft resolution takes also note of the work of the Independent World Commission on the Oceans, and of its report entitled "The Ocean ... Our Future", and welcomes its issuance in the context of the International Year of the Ocean.

The draft resolution takes account of the importance of reliable hydrographic and nautical information for the safety of navigation, and invites States to cooperate in this field. States are invited to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrographic and nautical information is made available worldwide. The standards established by the International Hydrographic Organization, even though not explicitly mentioned in the draft resolution, quite obviously form the basis on which the desired uniformity in charts and publications can be achieved.

Emphasis is also placed on the importance of education and training in the field of ocean affairs and the law of the sea. Member States and others in the position to do so are invited to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea and to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.

The draft resolution highlights the importance of the annual comprehensive report of the Secretary-General and its early issuance, as well as the importance of the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. The Secretary-General is requested to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly.

The draft resolution reaffirms the decision of the General Assembly to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea. It recalls also that the oceans and the seas will be the main theme for the activities in 1999 of the United Nations Commission on Sustainable Development and reaffirms the decision to consider the results of the review by the Commission of this sectoral theme under the agenda item entitled "Oceans and the law of the sea".

While I commend draft resolution A/53/L.35 to members to be adopted without a vote, I note that this has not been the case in previous years. It has become the practice for a delegation to request a recorded vote on the draft resolution on the law of the sea. A change in this practice, if it were achievable in the future, would certainly be most welcome.

Mr. Pell (United States of America): My delegation has the honour to introduce draft resolution A/53/L.45 on large-scale pelagic drift-net fishing and some other matters. Once again, we would like to extend our gratitude to all those delegations that offered valuable suggestions and worked in a spirit of cooperation to draft this text.

The United States wishes to express its longstanding support for the 1982 United Nations Convention on the Law of the Sea, which now has been ratified by 129 states and one entity. With operative paragraph 1 in mind, we are pursuing ratification with the goal of becoming a party to the Convention and the Part XI amending Agreement.

We believe that the early call in this draft resolution for States to ensure consistent application of the Convention is extremely important. It is in the interest of all that declarations and statements that are not in conformity with the Convention be withdrawn.

Concurrent with this idea of consistency is the call in operative paragraph 20 of draft resolution A/53/L.35 for those involved in the development of a draft convention relating to the underwater cultural heritage to ensure full conformity with the relevant provisions of the Convention on the Law of the Sea.

The United States listened intently to the voices of the non-governmental community at the last meeting of the States Parties to the Law of the Sea Convention. They addressed concerns related to the continuing threats of piracy and armed robbery, against ships, their ship owners, their seafarers, and their economies. This is a real and substantial problem, demanding proactive responses. The United States urges all States to become party to the Maritime Terrorism Convention and its related protocol by the year 2000, and to work together to support the efforts of the International Maritime Organization (IMO) to suppress those threats.

On the issue of migration, the United States pledges its strong support for the work of the IMO and the United Nations Crime Commission to deter and punish parties engaged in dangerous migration practices. The United States further pledges its support for the work of the Crime Commission in the area of combating the increasing problem of transnational organized criminal activity in the trafficking of persons, particularly women and children.

In the past year — the International Year of the Ocean — major emphasis has been placed upon sustainable fisheries. There has been important progress on new global fisheries initiatives undertaken by the Food and Agriculture Organization (FAO) for the management of sharks and to reduce the incidental capture of sea birds in commercial fisheries. The United States urges all countries to actively participate in the next session of the FAO Committee on Fisheries early next year, where work will continue on these very important individual initiatives.

We also wish to reiterate the urgent need for entry into force of the United Nations Fish Stocks Agreement and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by

Fishing Vessels on the High Seas. We urge all Governments, if they have not already done so, to become parties to these agreements at the earliest possible date.

Next year the United Nations Commission on Sustainable Development will take up as its theme oceans and fisheries. The United States believes that one of the most effective ways nations can promote sustainable fisheries is to implement the provisions contained in the United Nations Fish Stocks Agreement, the Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries.

In the next few months we will be reviewing the oceans chapter of Agenda 21 in the Commission on Sustainable Development. As we begin that review we must be mindful that the Law of the Sea Convention sets out the rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources.

As part of our review, we will be looking for ways to effectively implement Agenda 21's call for the General Assembly to provide regular consideration, within the United Nations system and at the intergovernmental level, of general marine and coastal issues. The report of the Secretary-General and the valuable work of the Division for Ocean Affairs and the Law of the Sea will contribute significantly to this overall review. We very much appreciate the work that has gone into the annual report on oceans and the law of the sea.

This draft resolution also refers to the work of the Independent World Commission on the Oceans. We recognize the work that went into this report, under the leadership of our colleagues from Portugal. Many of its ideas should be given consideration by Member States. On the other hand, we wish to register our concern that some of the recommendations in this report are inconsistent with the Law of the Sea Convention, and our support for this draft resolution cannot be seen as an endorsement of the conclusions reached in the Independent World Commission's report.

We continue to believe that a more concerted effort must be undertaken by States, in conjunction with appropriate United Nations bodies, to give full force and effect to the 1995 Global Programme of Action to Protect the Marine Environment from Land-Based Activities. We look forward to continued steady progress on the protection of the marine environment.

Ms. Sucharipa (Austria): I have the honour to speak on behalf of the European Union on agenda item 38, "Oceans and the law of the sea". The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated country Cyprus align themselves with this statement.

This year witnessed this century's last world's fair, which was dedicated to the oceans. It was an excellent opportunity to focus the public's awareness on the oceans and their contribution to both the world economy and the world environment. The Lisbon Expo '98, which marked, *inter alia*, the 500th anniversary of the discovery of the route to India, was also a particularly propitious moment for a clear perception of the big problems raised by the management of the oceans at the dawn of the twenty-first century, during which the oceans will become the planet's final frontier.

Expo '98 was also the forum chosen by the Independent World Commission on the Oceans to present, within the framework of the International Year of the Ocean, its final report, entitled *The Ocean ... Our Future*, the recommendations of which have been submitted to the General Assembly by a note circulated as document A/53/524.

The European Union notes with concern the increasing number of instances of piracy and armed robbery against ships and the increased use of violence in such attacks. We believe that there is a need for more effective action to be taken, primarily by both coastal and flag States. To this end the European Union urges all States, in particular coastal States in affected regions, to take all possible action to prevent incidents of piracy and armed robbery at sea and to investigate such incidents wherever they occur and bring those concerned to justice. In addition, the European Union calls on all flag States to ensure that their shipping companies are taking appropriate precautions to protect their ships and crews from attack. We fully support the efforts and initiatives of the International Maritime Organization (IMO) in this regard, and call upon all Governments, particularly those in the areas most affected, to work with the IMO to eliminate these unlawful activities.

The European Union is also deeply concerned about the escalation of cases of illegal trafficking in and the transport of migrants. As the Secretary-General points out in his report, this is a particularly reprehensible form

of organized crime. It jeopardizes the lives of the individuals who are being smuggled, while the perpetrators earn profits and escape justice. The European Union commends the efforts undertaken by the IMO with the aim of combating unsafe practices associated with the trafficking or transport of migrants, particularly by sea. At the same time, we support the initiative taken by some European Union member States to elaborate — under the auspices of the United Nations Commission on Crime Prevention and Criminal Justice and in the context of the general convention against organized transnational crime — a protocol against the smuggling of migrants by sea, establishing the smuggling of migrants as a crime.

The United Nations Convention on the Law of the Sea is the cornerstone of United Nations efforts to solve problems related to the oceans. In recent years, we have seen the number of parties to the Convention rise to 130. Almost all European Union member States, as well as the European Community, are now parties to the Convention itself and to the Agreement relating to the implementation of Part XI of the Convention.

Given the importance of the Convention for the management of the world's oceans, universal acceptance of this instrument is important. This includes universal adherence to the Agreement relating to the implementation of Part XI of the Convention. The Agreement has facilitated the growth in the number of parties to the Convention and has been the key to wide acceptance of the Convention.

The European Union notes that the International Tribunal for the Law of the Sea in Hamburg delivered its first judgement on 4 December 1997. In this context, it is with concern that we take note of the financial situation of the International Tribunal for the Law of the Sea and of the International Seabed Authority. The European Union and its member States therefore urge all parties to the Convention to pay their assessed contributions without delay to these two institutions in order to ensure that they are able to carry out their functions as provided for in the Convention.

A number of States that have ratified the Convention have still not taken the step of adhering to the Agreement. So far, a pragmatic approach has been adopted that has allowed practical difficulties to be avoided. We call upon those States to make the required effort to ratify the Agreement as well. It is important that all States continue to work towards a universal, uniform and coherent body of law for the oceans and that they become parties to both the Convention and the Agreement.

The universal acceptance of the United Nations Convention on the Law of the Sea should, however, not take place at the expense of its integrity. The European Union once again notes with concern that, notwithstanding article 310 of the Convention, a number of States have made declarations that appear to exclude or modify the legal effect of certain provisions of the Convention. As the Convention clearly states in article 309 that reservations may not be made, such declarations cannot have any legal effect. The European Union observes that the prohibition of reservations contained in article 309 is not merely a restrictive rule; it is an essential safeguard for maintaining the balance struck between the multitude of interests covered by the Convention.

Of equal concern are the rules of national law that appear to deviate from the rules set out in the Convention. A number of States have enacted legislation that seems to run contrary to the Convention and, indeed, to customary law. We underline that the Convention is a package deal, and respect for the integrity of the Convention as a whole must be maintained and guarded.

The European Union is particularly concerned about any development which amounts to creeping jurisdiction, be it through excessive claims or extensive interpretation of the Convention, since such a development would restrict the fundamental principle of the freedom of the high seas.

We would like to call upon all States to ensure that their legislation and its implementation remain within the limits agreed to in the Convention. The European Union stresses the need for a consistent interpretation of the Convention's rules. Not only is there a general obligation under the law of treaties to interpret and apply a treaty in good faith, but it is also in the interest of the world community at large to maintain a consistent interpretation. Those States parties to the Convention that have made declarations or reservations not in conformity with the Convention on the Law of the Sea should reconsider these declarations or reservations with a view to withdrawing them. Moreover, we welcome the fact that the Secretary-General has included this issue in his report on the law of the sea prepared for the General Assembly.

The European Union follows with interest the work undertaken in the United Nations Educational, Scientific and Cultural Organization (UNESCO) towards a convention on underwater cultural heritage. We regret that more progress could not be achieved at the meeting of experts in Paris in June 1998. This was in part because the draft prepared for the meeting was, unfortunately, not compatible with the United Nations Convention on the Law of the Sea. The European Union considers it essential that the work of UNESCO be in full conformity with the relevant provisions of the Law of the Sea Convention.

The Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks contains numerous elements for the effective implementation of the provisions of the Convention relating to fishing. The European Community and its member States signed this Agreement in the second half of 1996. The Council of the European Union decided to ratify the Agreement in June 1997. The instruments of ratification of the European Community and its member States will be deposited together at the United Nations as soon as national procedures are finalized in each State. The procedure for the ratification of the Agreement has begun at both local and national levels within member States. We hope that this process can be concluded within a reasonable period of time.

The European Union and its member States urge the widespread adoption into the national fisheries-sector working practices of guidance offered by the Code of Conduct for Responsible Fisheries. We believe that application of the Code will contribute significantly to the emergence of sustainable, equitable and safe fisheries industries at all levels of investment. We welcome efforts to date by the Food and Agriculture Organization of the United Nations and others to promote the implementation of the Code of Conduct, and we urge greater support to help developing countries benefit from all its provisions. The European Union and its member States will seek to ensure that the provisions of the Code of Conduct govern the Community's fisheries sector relationships with developing countries.

The European Union and its member States recognize the important functions of coastal ecosystems and the value of the services which they provide to human welfare. This is particularly so in the case of small island developing States. We would encourage greater efforts to put into effect the provisions of the Global Programme of Action to Protect the Marine Environment from Land-Based Activities and of relevant Conventions. The degradation of sensitive coastal ecosystems, such as coral reefs and mangrove forests, has the effect of increasing the extent and depth of poverty in coastal communities. Such habitats should be conserved and managed sustainably.

The European Union and its member States consider that the adoption of a fully integrated approach to the management of coastal resources is essential if there is to be an effective solution to resource-use conflicts which may emerge from time to time in the coastal zones. We equally recognize that sustainable development in coastal areas is dependent upon an adequate understanding of the interaction between natural assets and social and human capital. An intersectoral approach to coastal development fully reflected in national strategies for sustainable development is the key to achieving this.

Turning back to the debate on the law of the sea in this forum, the General Assembly, we wish to stress our attachment to a discussion of this important issue here. The European Union reiterates the view that the General Assembly is the place for a thorough debate on the basis of a comprehensive report by the Secretary-General. While appreciating the broad scope of the report presented by the Secretariat, the European Union regrets again its late distribution, which made it difficult to prepare adequately for the discussion of law of the sea matters. We call upon the Secretary-General to issue the report for the fifty-fourth session six weeks before the discussion in the General Assembly.

Mr. Badji (Senegal) (*interpretation from French*): Following the example of my immediate predecessor, who addressed this Assembly last year, I wish, in my capacity as Chairman of the Eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in New York from 18 to 22 May 1998, to report on developments that occurred at that meeting and on the outcome thereof.

At the outset, I would note the very interesting discussions held within the constantly expanding family of States that have deposited their instruments of ratification or accession. Today, there are 130 States Parties to the Montego Bay Convention. I take this opportunity to extend my warmest congratulations to the five States that have become Parties to the Convention since our Meeting last May. These States are Belgium, Laos, Nepal, Poland and Suriname.

It is encouraging to see that, as we approach the end of 1998, 77 per cent of coastal States have agreed to be legally bound by the Convention. This is remarkable for a treaty governing such varied and diverse state interests and such sensitive and complex situations. At this rate, we may hope that, in the near future, we will achieve our common objective of universal participation in the Convention.

The fruitful dialogue, hard work and positive atmosphere among delegations to the Eighth Meeting of States Parties once again bore witness to the effectiveness and credibility of the regime established by the 1982 United Nations Convention on the Law of the Sea. The active participation of States in the discussion and their demonstrated sense of commitment proved their devotion to the law of the sea regime.

In accordance with its agenda, the Meeting was called on to consider as a matter of priority the budget of the International Tribunal for the Law of the Sea and other matters relating to the activities and existence of the Tribunal, whose President, Judge Thomas Mensah, submitted the 1997-1998 report with all the competence, wisdom and moral integrity for which he is known.

Mr. Jemat (Brunei Darussalam), Vice-President, took the Chair.

The Meeting focused on the Tribunal's draft budget for 1999 and on its overexpenditures incurred in 1996-1997. The Meeting also had before it equally important matters relating to the work of the Commission on the Limits of the Continental Shelf, specifically to certain points of interpretation that arose when its Rules of Procedure were being drafted.

Before taking up the budget, the Meeting noted the work done by the Tribunal on its own establishment, and in particular on the creation of several chambers, pursuant to the Convention, in order to provide justice more efficiently. The Tribunal also adopted its Rules and a resolution on its own internal judicial practice, as well as guidelines concerning the preparation and presentation of cases before the Tribunal.

In this connection, the Meeting welcomed the first case brought before the Tribunal on a dispute concerning the prompt release of the ship M/V Saiga. The international community is eagerly awaiting the judgement on this case, which will certainly confirm the professional approach of this young institution and the importance of its role in ensuring respect for subtle balances established by the Convention.

The Meeting also welcomed the conclusion, on 18 December 1997, of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea. The Agreement has since entered into force. I believe that these two institutions will, in a spirit of partnership, work together and provide mutual assistance in order to attain their shared objective of promoting smooth and peaceful relations among States.

With respect to the Tribunal's budget for 1999, the Meeting of States Parties approved a total of $6,983,817, including provision for the establishment of a Working Capital Fund which would be financed, on an exceptional basis, with savings from appropriations in the budget up to a maximum of $200,000.

The 1999 budget for the Tribunal approved by the Meeting was $979,834 less than the draft budget initially proposed. This reduction took account of need to make savings, thereby demonstrating the sense of responsibility of the States participating in the Meeting. Despite the reduction, the Tribunal should be able to play its full part and to preserve its authority and credibility as a mechanism, established under the Convention, for the peaceful settlement of disputes.

Nevertheless, it is my duty respectfully to draw this Assembly's attention to arrears accumulated by a large number of States Parties. The amounts involved are such that the situation they have created could seriously jeopardize the future of this young institution. Deprived of the financial resources necessary to carry out its functions, the International Tribunal for the Law of the Sea could be condemned to never being able to fulfil its role as an instrument of peaceful settlement of maritime disputes.

I wish to reiterate the appeal made to States parties to carry out their financial obligations as soon as possible and to pay their contributions in full. This is essential in order to safeguard the independence and the credibility of the Tribunal and the moral integrity of its 21 judges.

Turning to the draft financial rules of the Tribunal and the rules governing the pensions of members of the Tribunal, the number of questions raised during the consideration of these items and the need to study more

thoroughly the implications of the drafts led States parties to defer consideration to the next Meeting.

Finally, with regard to matters pertaining to the International Tribunal for the Law of the Sea, I wish to emphasize that the hope was expressed at the Meeting that in the future the Tribunal would demonstrate tighter management and ensure the promotion of rules of transparency and geographic and linguistic diversity in the recruitment and composition of the Registry personnel.

At our Meeting we pursued a rich and fruitful dialogue with the Commission on the Limits of the Continental Shelf, an organ established by the Convention and consisting of eminent experts whose work accomplished under the chairmanship of Mr. Yuri Kazmin of the Russian Federation has earned the respect and appreciation of all. The Chairman of that Commission submitted three sets of issues to the Meeting of States Parties.

The first set of issues relates to annex I and annex II of the Commission's rules of procedure. Annex I deals with the question of submissions relating to disputes between States with opposite or adjacent coasts or to unresolved maritime or land disputes. The Meeting, in its wisdom, recalled that these very complex and delicate issues were at the very heart of States' interests and were within their own competence and thus could not be the subject of discussion at the Meeting. At its session last August, the Commission adopted its rules of procedure, including annex I, after having considered the written observations submitted by a number of States on the recommendation of the Meeting of States Parties. The Meeting indicated that the rules of procedure deal only with the procedures used by the Commission in fulfilling its functions and should not deal with the rights of States.

Annex II raised issues relating to the responsibility of members of the Commission in the event of their having to consider confidential data. This issue had been the subject of an opinion given by the United Nations Legal Counsel, which stated that Commission members were considered as experts on mission, covered by article VI of the Convention on the Privileges and Immunities of the United Nations. The Meeting of States Parties took note of that legal opinion.

The second set of issues related to the interpretation of the terms "coastal States" and "States". In view of article V of annex II of the Convention, there was the question of determining whether the Commission should agree to consider a submission made by a State not party to the Convention. In this connection, the Eighth Meeting endorsed the position taken by many States to the effect that the Commission should request the opinion of the Legal Counsel to remove this ambiguity only if the need clearly arose.

Finally, the third set of issues related to the financing of participation at sessions of the Commission by members coming from developing countries. In this connection, the Commission on the Limits of the Continental Shelf proposed to the Meeting of States Parties that perhaps a special trust fund managed by the United Nations Secretary-General should be established. The Meeting requested the Secretariat to study ways and means of enabling all members of the Commission to participate in it work. However, it was recalled that under the Convention, States parties bear the responsibility for covering expenditures related to participation by their experts elected to the Commission.

I cannot conclude without mentioning that the Meeting considered issues that have a negative impact on the development of maritime activities. Despite a 40 per cent increase in activity over the past 10 years, shipping has not faced any major crisis, except for incidents relating to navigation per se. This desirable stability is most certainly due to the regime established in the Convention. However, the international community's attention is increasingly being drawn to phenomena that seriously harm international trade by sea. I am referring to piracy, which is becoming increasingly prevalent in various parts of the world, and to the working conditions of seafarers and the failure on the part of flag States and port States to discharge their obligations under the Convention.

Two non-governmental organizations, the International Chamber of Shipping and the Seamen's Church Institute of New York and New Jersey, which participated in the Meeting as observers, issued an urgent appeal for States to take the necessary measures to combat piracy and to establish new mechanisms to deal with the problems facing seafarers in connection with the multinational nature of crews and the absence of international regulations that can deal with these phenomena.

In conclusion, I would like once again to thank all those who helped me during the work of the Eighth Meeting of States Parties. I hope that that forum, where all maritime interests are heard, can continue its

constructive dialogue, which is conducive to the maintenance of a regime that has preserved peace and security on the seas and oceans of our planet.

In this connection, the Eighth Meeting of States Parties clearly reaffirmed its desire to remain a forum of sovereign and independent States and entities, all equal in their rights and obligations under the source of their common inspiration, the 1982 United Nations Convention on the Law of the Sea.

I wish every success to the Ninth Meeting of States Parties, to be held in New York from 19 to 28 May 1999, at which time, *inter alia*, seven members of the International Tribunal for the Law of the Sea will be elected to fill the seats of those judges whose three-year mandate expires.

Mr. Boisson (Monaco) (*interpretation from French*): Turning naturally to the sea because of its geography, the Principality of Monaco owes much of its international renown to marine and oceanographic activities whose development since the last century has been consistently encouraged by its Government, inspired by the scientific work accomplished by Prince Albert I, a scientist and humanist, the 150th anniversary of whose birth we celebrate this year.

His successors, and especially the current Sovereign Prince, have continued and strengthened this policy in order to acquire greater knowledge of the marine environment and its riches, and to protect the seas and oceans against pollution and safeguard their resources.

Until recently, the law of the sea in Monaco was governed by many fragmentary, disparate and often quite old texts, some of them dating back to 1867, the date of the code on maritime trade. A decision was therefore taken to provide the Principality with a code that would bring together, in one instrument, all of the provisions relating to the law of the sea, and would make them consistent with the technical and legal imperatives of the contemporary maritime world.

As is indicated by the Secretary-General in paragraph 94 of his report on "Oceans and the law of the sea" (A/53/456), the Principality instituted this Code of the Sea by Law No. 1,198 of 27 March 1998. The Code reflects and updates certain provisions of existing legislation, while introducing at the national level international norms shaped by custom and practice or by the traditional expression of the concerns and the commitments of States. At the forefront of these references, of course, we find the United Nations Convention on the Law of the Sea of 10 December 1982, as well as the relevant international conventions to which Monaco is a party.

This text considers the sea in its entirety: as an ecosystem, as a space for the circulation of ships and as an area of economic exploitation. In the latter context, it is aimed mainly at achieving two objectives: on the one hand, the safety and security of navigation and of seafarers and the protection of persons on the seas, and, on the other, respect for maritime spaces and the marine environment.

Its rules focus on three vital topics: the sea, persons and navigation.

Provisions regarding the sea, the marine environment, are to be found primarily in the Code's second book, which deals with maritime spaces in Monaco and the marine environment, and in the seventh book, which is on policing territorial and internal waters. These provisions take up the problem of pollution, especially from the standpoint of prevention, by distinguishing among the different types of possible damage to the ecosystem. This provision on protection is complemented by norms applicable to human activities that are not specifically pollutant in nature, such as the exploitation and exploration of the marine environment, the seabed and its subsoil.

Provisions relating to persons are designed to ensure the security of passengers and crew. The Code gives transporters the obligation to ensure the protection of passengers. They must, in particular, put and maintain their ships in a seaworthy state, equip them correctly and take all appropriate safety measures.

The safety of seafarers is taken into account by the provisions concerning the social protection and working conditions that form part of the statute of seafarers. Duration of work, the setting of salaries, rules concerning sailors who are minors, the handling of legal disputes between seafarers and shipowners, etc., are all regulated.

Concerns relating to the protection of human life on the seas and of the marine environment also very much underlie the rules relating to navigation and the use of ships. These rules govern, *inter alia*, the fitting out and chartering of ships as well as shipping and maritime insurance. We might mention, for example, the rules on

the delivery of titles of security and certificates of pollution prevention, which are to a great extent inspired by conventional international law.

The implementation of the Code of the Sea will be carried out by authorities and administrative bodies established for that purpose, which will have both the responsibility of examining the rules to be applied and that of monitoring compliance with the legislation.

A Council of the Sea, composed of qualified officials and of persons appointed on the basis of their competence, will study the texts proposed by the Government. An ad hoc commission, will visit ships to monitor the observance of safety norms on board.

The Director of Maritime Affairs and the Director of Public Safety, as governmental authorities, will have the task of regularly monitoring all questions relating to the Code, from both the administrative standpoint and that of the maritime police.

The implementation of and effective compliance with this legislation will be ensured by a certain number of penal provisions, accompanied by the necessary sanctions.

Monaco's Code of the Sea is intended to be a modern, complete and practical legal instrument. Today, in the year 1998, proclaimed by the General Assembly as the International Year of the Ocean, this text can be considered the clearest symbol of the determination and interest that the Principality of Monaco, loyal to its tradition, intends to show with regard to the vast marine spaces and their resources, which are essential for the progress of humankind, and undoubtedly also for the survival of succeeding generations. It is in this spirit that the authorities of Monaco have asked that the Code be republished in the Law of the Sea *Bulletin*.

Before making a few comments on the draft resolution on oceans and the law of the sea (A/53/L.35), of which the Principality of Monaco is a sponsor, may I express our sincerest thanks to Ms. Marja-Liisa Lehto, Counsellor for Legal Affairs of the Finnish delegation, who successfully and skilfully conducted the informal consultations on this text.

My comments will primarily focus on the thirteenth preambular paragraph and operative paragraph 21, which have to do with hydrography, marine cartography and nautical information.

In this respect, and in its capacity as a member of the International Maritime Organization and the International Hydrographic Organization (IHO), and as host country to the office of the International Hydrographic Organization, the Principality of Monaco wishes to emphasize the importance and essential role of these specialized agencies, and in particular the role of the International Hydrographic Organization, an intergovernmental consultative and technical organization that works tirelessly for the security of navigation and the protection of the marine environment. Its competence, and especially its vast experience in marine cartography, deserves to be mentioned and encouraged.

The maritime countries have the responsibility of ensuring the safety of navigation in their territorial waters and of providing the maritime sector with the vital nautical documents covering those waters. Such a responsibility poses problems that can be effectively resolved only by a national hydrographic service with responsibility in the areas of hydrography and marine cartography.

Hydrography, marine cartography, navigation aids and maritime communications are key factors for maritime safety and for the protection of the marine environment, as well as essential elements for the development of the infrastructures of a nation. In that respect, they relate not only to the ports and to maritime transport but to the exploitation and protection of marine resources.

To that end, the IHO acts as a coordinating body for the promotion of projects designed to establish or strengthen national hydrographic capacities, especially in the developing countries. Consultative visits are organized at the request of any interested State, whether or not it is a member of that organization.

My delegation hopes that the explicit reference to the hydrographic question in the draft resolution that we are preparing to adopt will contribute to strengthening cooperation between the United Nations and the IHO through the conclusion of bilateral agreements between nations aimed at providing technical assistance for hydrographic projects relating to training, skills and the provision of materials and equipment.

As the observance of the International Year of the Ocean draws to a close, my delegation is pleased that the draft resolution takes note of the work of the Independent World Commission on the Oceans and of its report

entitled *The Ocean ... Our Future*. My country joined with the many delegations that considered the result of the work of that Commission a useful contribution to reflection and debate on the oceans. The Independent World Commission on the Oceans formulated conclusions and recommendations with the aim of attracting the attention of political leaders to the future of the oceans, which must no longer be considered merely an inexhaustible source of riches, resources and abundance.

The Principality, which maintains the provisional secretariat of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, which was adopted in Monaco on 24 November 1996, is in this respect endeavouring to do its part to protect marine fauna and preserve it as best it can for present and future generations.

In the same spirit, a Monegasque institute of the economic law of the sea, a non-governmental organization, deserves to be highlighted. That institute is currently working to develop a draft international convention on pleasure sailing in the Mediterranean, intended to establish a regime specific to an activity that has been developing steadily on all the seas throughout the world, but which will take account of the specific conditions of the semi-enclosed Mediterranean Sea. Every year the institute publishes a French-language handbook of the law of the sea as a tool for all maritime professionals, academics, students, representatives of international organizations and others who work in that area.

Before concluding, I should like to recall that from 20 to 22 October last a meeting of the Mediterranean Commission on Sustainable Development was held in Monaco. That Commission, created in 1996, brought together the 20 coastal countries of the Mediterranean and the European Commission in the framework of preparations for the seventh session of the Commission on Sustainable Development, for which the sectorial topic is the seas and oceans.

The Mediterranean Commission on Sustainable Development is a consultative body that enables the contracting parties to the Barcelona Convention to engage in dialogue and put forward proposals designed to help them define a regional strategy for sustainable development in the Mediterranean. It involves in its work the representatives of local associations, the main socio-economic actors and the competent non-governmental organizations in the field of environment and development.

Obstacles to sustainable development are particularly in evidence in the Mediterranean region. Natural resources — water, forests and the soil — are, in fact, very seriously threatened. Increasingly intensive agriculture and fishing have consequences that are undeniably damaging. Urban development and the development of tourism, especially in coastal areas, affect ecosystems as well as the countryside and historic sites, which are the very sources and means of the region's development, in ways that are sometimes irreversible.

We therefore have a decisive stake in the future of the Mediterranean basin, a fact to which Prince Rainier III drew attention as early as the 1970s by creating Monaco's scientific centre, with its important oceanography department, and by launching the subregional initiative which was to lead to the French Italian Monegasque Commission (RAMOGE) agreement between France, Italy and the Principality of Monaco — an experimental project aimed at jointly combating all forms of pollution in the Mediterranean between the Gulf of Genoa and the Gulf of Lions.

Finally, I should like to refer to the excellent international Expo '98 in Lisbon, devoted to the sea and to the oceans, which provided a wonderful opportunity to enlighten a great many visitors with regard to both the beauty and the fragility of the marine environment.

Mr. Nakayama (Federated States of Micronesia): I have the honour to speak on behalf of the Group of 10 South Pacific Forum member countries represented here at the United Nations in New York (SOPAC): Australia, the Republic of Fiji, the Republic of the Marshall Islands, New Zealand, the Republic of Palau, Papua New Guinea, Samoa, Solomon Islands, Vanuatu and my own country, the Federated States of Micronesia.

For obvious reasons, the ocean is of immense importance to the South Pacific Forum island countries. The Pacific island countries, although varying greatly in terms of resource endowments and land mass, all share a common bond: the Pacific Ocean. We are oceanic States, and together we occupy a vast area of the Pacific Ocean that comprises almost a third of the entire surface of the earth. At this year's South Pacific Forum meeting, held in the capital of the Federated States of Micronesia in August, our leaders focused a great deal of attention on fisheries and other issues relating to the marine environment.

For centuries, the ocean has always been our provider, and its bounty is the principal resource for the economic survival of many of us. The sea brings us together, and its resources represent the most tangible asset for the future sustainable economic development of many of our communities. We are concerned that the great potential that the ocean holds, however, cannot be realized if continued human-induced pollutants and the protection and management of this vital resource are not comprehensively addressed by this body and regional and non-governmental bodies.

We particularly welcome the effort of the world community to focus attention on the ocean by proclaiming this year as the International Year of the Ocean. As the year draws to a close, we call upon all members of the international community to rededicate their efforts to ensure the protection of this valuable resource and to safeguard it from any activities that may have detrimental effects and endanger the ocean environment. We welcome the significant trend towards universal participation and adherence to the legal regime established by the United Nations Convention on the Law of the Sea, and we call upon States that have not ratified the Convention and the three institutions created by it to do so.

Cooperation among States is an essential requirement for the successful implementation of the Convention on the Law of the Sea. The Forum countries are pleased to note the inclusion of specific recognition of the obligation to cooperate in this year's draft resolution on drift-net fishing and other fishing issues, which we hope will command consensus in the Assembly. We reaffirm the importance we attach to sustainable management and conservation of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end.

Cooperation is also recognized as an essential element of the Implementation Agreement on straddling fish stocks and highly migratory fish stocks and, in particular, of regional approaches that are required to put its provisions into practice. We welcome the inclusion in this year's draft resolution of the paragraph on the Fish Stocks Agreement, and we urge all members who have not already done so to sign and ratify the Agreement as a matter of priority. In the Pacific we have taken a proactive approach and have engaged in dialogue with the distant-water fishing nations that fish in our waters. We are now involved in full negotiations with them on a regional arrangement for the conservation and management of our tuna resources.

The Forum countries welcomed the progress achieved during the third session of the Multilateral High Conference, held in Tokyo in June this year, now known as the Western and Central Pacific Fisheries Conference. The valuable support of the Government of Japan in hosting that important Conference is greatly appreciated. We are also particularly grateful to Mr. Satya Nandan, who has supported this process and provided valuable and impartial advice as Chairman of the negotiations.

We take particular note of the significant steps achieved in the negotiations for the development of a legally binding conservation and management arrangement at the Conference. The importance of this arrangement cannot be overstressed in terms of its contribution towards the maintenance of sustainable fisheries in the region, which is beneficial to both the distant-water fishing nations and the Forum island countries, many of whose economic livelihoods are dependent on this one resource.

The Forum called on developed States to honour their obligations and commitments to provide financial assistance to facilitate the participation of Pacific Island countries at future inter-sessional working group meetings and Multilateral High Level Conferences. Such assistance would assist the Forum island countries in the discharge of their management and conservation responsibilities.

At this year's South Pacific Forum meeting, our leaders reiterated their endorsement for the concept of the vessel monitoring system (VMS) for member countries of the Forum Fisheries Agency. This will be progressively implemented for those vessels of the distant-water fishing nations operating in the exclusive economic zones of Forum countries. We call upon the distant-water fishing nations operating in the region to support the VMS initiative. We believe that requiring the use of VMS is currently the most effective and cost-efficient method available for monitoring and surveillance of fishing activities in our respective exclusive economic zones, and is therefore a vital tool in our efforts to combat illegal fishing activities.

SOPAC delegations have been participating actively in the negotiations on the two draft resolutions to be adopted under the agenda item on oceans and the law of the sea. We thank the coordinators of both draft resolutions for their hard work in ensuring that all interested delegations had the opportunity to participate in the discussions. We would also like to thank the Secretary-General for his very useful reports prepared

under this agenda item and to acknowledge the very important work carried out by the Division for Ocean Affairs and the Law of the Sea.

For the SOPAC delegations, the draft resolution on drift-net fishing, unauthorized fishing in zones of national jurisdiction and the high seas, fisheries by-catch and discards and other developments is one of particular relevance and importance. On behalf of the SOPAC delegations, I would like to voice in the strongest terms our support for this draft resolution and our deep collective concern regarding the continuing problems that the draft resolution addresses.

It is with great disappointment that we note the continuing report of drift-net fishing taking place in contravention of the terms of the moratorium agreed upon by the international community in resolution 46/215. This unacceptable mode of fishing has caused the loss of countless marine mammals and seabirds, as well as sharks, turtles and other species. We call upon all States which have not done so to take immediate and effective action to ban illegal drift-netting. In this context, we are pleased to see that for the first time the draft resolution draws attention to the problem of transfer of illegal nets to other parts of the world. If Governments are serious about their commitment to the drift-net ban they must take action to ensure that its enforcement in some parts of the world does not result in the same nets turning up in other parts of the world. The SOPAC delegations reiterate their view that Governments have a responsibility to confiscate and destroy illegal drift-nets. Clearly, efforts to address this problem would also be assisted by developing effective disciplinary regimes for the manufacturing and distribution of drift-nets.

The draft resolution also calls on States to take greater enforcement measures to ensure that their vessels do not fish in areas under the national jurisdiction of other States unless authorized by that State and in accordance with the terms of that authorization. The issue of unauthorized fishing is a crucial one for the South Pacific, and we endorse the call in the draft resolution for development assistance for the monitoring and control of fishing activities.

Another important area for development assistance, in the view of our delegations, should be the facilitation of attendance by representatives of developing coastal States — in particular small island developing States — at significant negotiations on fisheries and other marine issues, such as the process taking place in the Food and Agriculture Organization of the United Nations towards the adoption of plans of action on incidental catch, sharks and overcapacity. It is important that small island States be able to participate in such meetings where important decisions are being taken regarding fisheries and conservation issues.

The SOPAC delegations look forward to next year's session of the Commission on Sustainable Development, which will focus on oceans and seas. We believe that the Commission is particularly well placed to take an overview of developments in the area of oceans and seas by virtue of its having broad representation from all sectors engaged in ocean issues. We hope that the discussions in the Commission will lead to a more integrated and effective approach to the problems of the oceans.

Mr. Effendi (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for his annual report on the item entitled "Oceans and the law of the sea", which provides a firm basis for our deliberations. Allow me also to commend the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for the outstanding work carried out during the past year.

This meeting of the General Assembly is being held against the backdrop of some important events in the field of the law of the sea. As we approach the end of the International Year of the Ocean, this is a most fitting time to reflect on the growing universal participation in and adherence to the legal framework laid down by the United Nations Convention on the Law of the Sea. Moreover, the operation of all the institutions created by the Convention attests to the fact that this landmark instrument has paved the way not only for the implementation of a universal legal framework governing the world's oceans, but also for the regulation of those areas for which the Convention was established.

Other significant developments include the opening up for signature of the Protocol on the privileges and immunities of the International Seabed Authority, the signing of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea and the adoption of an interim ordinance by the host country, Germany, pending the conclusion of a Headquarters Agreement. All these bode well for the establishment of global governance for the seas and oceans.

The true success of the Convention, of course, lies in the commitment of Member States to fully abide by its provisions. The fact that 122 Member States have deposited instruments of ratification since its entry into force augurs well for the universality of the Convention, especially by enhancing the widest possible participation of the global community. The full realization of the Convention requires cooperation of such a magnitude as to go beyond the present and well into the future, thereby serving the interests of future generations by making it possible to reap the immense benefits of the oceans while protecting the environment and promoting sustainable development.

On the eve of the next millennium, it is imperative that we make concerted efforts to adopt a national strategy for the oceans based on the principles of integrated management. As the report of the Secretary-General indicates, this is necessary to ensure appropriate coordination for efficient decision-making at the national level. The development of harmonized national practices through a coherent application of the Convention is important. It should therefore be stressed that since the problems of the oceans are closely intertwined, they should be considered as a whole. To this end, the role of the Division for Ocean Affairs and the Law of the Sea as the focal point for a coordinated and integrated approach to activities on the law of the sea should be further strengthened.

Indonesia, as an archipelagic State, attaches great importance to all issues relating to the law of the sea. It has demonstrated its support for the Convention through its active participation in all the bodies created by the Convention since the outset and will continue to play an active role. Since ratifying the Convention in 1985, Indonesia has enacted relevant legislation and has revised its national laws and regulations to ensure conformity with the provisions of the Convention. Indonesia recognizes that the rights of States go hand in hand with their responsibilities, especially with regard to the protection of the marine environment, the proper management of ocean resources and the necessary protection of the rights of other countries.

Indonesia has issued a Government regulation on the list of geographical coordinates of the archipelagic baselines of Indonesia in the Natuna Sea, as stated in the report of the Secretary-General. Such a regulation was necessary due to Indonesia's proposal to establish archipelagic sea lanes in accordance with the Convention, which was approved by the International Maritime Organization (IMO) in May 1998. Furthermore, cognizant of the fact that this was the first instance whereby IMO adopted a system of archipelagic sea lanes, it is noteworthy that the Maritime Safety Committee has instructed the Subcommittee on the Safety of Navigation to develop a safety of navigation circular and to invite archipelagic States to participate in that exercise. These steps are in line with the draft resolution contained in document A/53/L.35, which calls for States to harmonize their national legislation as a matter of priority with the provisions of the Convention.

Rapid advances in science and technology offer unique opportunities to tap the resources of the vast seas, as well as to face the challenges in preserving the marine environment while ensuring that ocean resources are managed in a sustainable manner. All these objectives can be achieved if we are able to strike a harmonious balance between nature and the needs of humankind. We should therefore make efforts in a spirit of cooperation and understanding to enhance global interaction in order to fully utilize the oceans and seas, including those beyond national jurisdictions, for the common heritage of mankind.

Aware of the fragility of the ecosystems of the Indonesian archipelagic waters, which are threatened both by land-based and vessel-sourced pollution, Indonesia is working towards ensuring that its surrounding waters are utilized in an integrated and sustainable way in order to maintain environmental quality and to provide the maximum benefit for its national development. In this regard, it is appropriate to recall the provisions of Agenda 21 and the Jakarta Mandate on Marine and Coastal Biological Diversity, which called for the improved implementation of a global programme of action to protect the marine environment. To this end, Indonesia has carried out in cooperation with Norway a country study on integrated coastal and marine biodiversity management. It has also initiated the Indonesian Coastal and Marine Environmental Management Project with the assistance of the Asian Development Bank. As an archipelagic State dealing with the associated problems posed by population growth and other economic activities, Indonesia has placed great importance on integrated coastal zone management to tackle these complex questions, and to that end has established the Indonesian National Maritime Council.

Indonesia believes that a regional approach is significant in promoting cooperation in marine affairs. It has over the years demonstrated its commitment to regional cooperation through Association of South-East

Asian Nations (ASEAN) mechanisms as well as the other regional and international organizations to which it belongs. In ensuring good-neighbourly relations, it has concluded a number of maritime agreements with neighbouring countries, reflecting its commitment to maintaining peace and harmony in the region. Within the framework of regional cooperation, the revised East Asian Action Plan for the Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region and the Long-term Strategy — COBSEA, 1994-2009 — of which Indonesia has been a member since its inception, is currently being implemented, focusing on a regional and country overview of the sources of land-based activities that pollute the environment and a regional action plan with contributions from each of the member countries.

The real threat posed by the depletion of fishery resources remains a source of concern to the international community. The recent assessment of the Food and Agriculture Organization of the United Nations (FAO) showed that the world's marine fisheries resources continue to decline by 35 per cent, compounded by a high exploitation level of 25 per cent; these are dismal facts. In this regard, the implementation of the 1995 Fish Stocks Agreement, the Code of Conduct for Responsible Fisheries and the Declaration by the Third Conference of Ministers of Fisheries held last year are important initiatives in addressing the need for the rational and long-term utilization of high-seas fisheries.

For developing countries, technical cooperation is essential for meeting their responsibilities and for enhancing their ability to participate in pursuing fishing endeavours in a sustainable manner. Indonesia's recent endeavours in this field have included the issuance of regulations that have made the application of a by-catch excluder device mandatory for shrimp trawler fishery.

My delegation would now like to turn to the growing problem of piracy and armed robbery against ships. The daunting spiralling increase of such criminal acts at sea have propelled this issue to the top of the agenda of a number of organizations such as the International Maritime Organization (IMO), the Meeting of States Parties to the United Nations Convention on the Law of the Sea and the General Assembly itself. No part of the oceans and seas is immune from such criminal activities, including South-East Asia. According to the last annual report of the International Maritime Bureau of the International Chamber of Commerce, in 1997 alone there were 47 reported incidents of attacks in and around Indonesian archipelagic waters. Regrettably, due to the complexity of the geographical situation of the area, many of these crimes are not even reported to the local authorities.

In this regard, it is our view that enhanced international, regional and bilateral cooperation are a *sine qua non* to tackle this perennial problem. It will also be impossible to effectively deal with such incidents without the exchange of data and information among countries. The convening of regional seminars is another valuable tool to assisting countries in enhancing their capabilities to deter such crimes and in formulating effective strategies to rigorously pursue the eradication of piracy from their coastal waters.

Among the member States of ASEAN, cooperation has proved most beneficial with the establishment of the ASEANAPOL Data Base System. Likewise, the international data network system should be supported by reliable law enforcement. Unfortunately, financial constraints have also made it particularly difficult for the developing countries to combat crimes at sea. In this regard, we support the IMO initiatives, especially that of sending experts to areas with a higher frequency of incidents to discuss the implementation of the IMO Guidelines for Preventing and Suppressing Piracy and Armed Robbery against Ships. As part of the cooperative efforts to combat crimes and armed robbery at sea, an IMO team of experts visited Indonesia last month.

Finally, as in past years, Indonesia is pleased to co-sponsor the draft resolution before us contained in document A/53/L.35, and it earnestly hopes that all Member States will lend it support.

Mr. Ingólfsson (Iceland): The Government of Iceland welcomes the heightened profile of ocean affairs in the global community as demonstrated by the various activities held in connection with the International Year of the Ocean.

Allow me to recall that during this year's general debate, the Foreign Minister of Iceland, Mr. Halldór Ásgrímsson, devoted the bulk of his speech to matters relating to the oceans and the sustainable utilization of living marine resources. He said:

> "Our Organization is also confronted with issues of universal nature which can determine the future of humankind, such as the protection of the environment and the delicate balance between economic growth and the conservation of natural resources. In this respect, the protection of the

oceans and the marine ecosystem is one of the most important tasks facing us today." *(A/53/PV.16, p. 35)*

Allow me to assure the Assembly of my Government's commitment to the protection of the marine environment and the sustainable use of its living resources. This is a longstanding and profound commitment — a commitment deeply rooted in the Icelandic nation's historical relations with the sea. Indeed, we took an active part in the establishment of the United Nations Convention on the Law of the Sea, and we were among the first to ratify it. This is the international Convention closest to our hearts.

In Iceland, we have longstanding experience in ocean affairs. This experience has taught us that it is important to distinguish between global problems, which should be resolved through international measures, and localized problems, which should be resolved through local and regional means.

Most marine pollution typically falls in the former category. Pollution respects no boundaries and must therefore be met with global action. The conservation and sustainable use of living marine resources is, on the other hand, a local and regional matter. Experience has shown that where there is sound scientific knowledge and strong conservation awareness, sustainable use of marine living resources is best secured by local management in partnership with those who live from the resource.

We believe that the fisheries management system of individual transferable quotas now in effect in Iceland allows for the harvesting of these resources in a sustainable and profitable manner.

The importance of regional management of marine resources can not be overstated. This is not only a matter of national sovereignty but also vital for securing sustainable harvesting.

This is not to say that there is no room for international cooperation. Rather, such actions should be of a supportive nature rather than aimed at building international management regimes.

Regional cooperation in the area of science and monitoring is an example of a useful practice. It allows for improved scientific advice, increases transparency and enhances partnership among coastal States and the industry in ensuring the sustainable harvesting of the resource.

The raising of global awareness of the benefits of sustainable fisheries is another case in point. The Code of Conduct for Responsible Fisheries prepared under the auspices of the Food and Agriculture Organization is a useful tool in this regard.

To mention yet another important supportive action, we would highlight the need for an international measure to abolish Government subsidies for the fisheries sector. It has been clearly demonstrated that the overcapacity of the global fishing fleet is the primary cause of the depletion of fish stocks in many regions.

Sustainable development is a concept that calls for partnership and that stands on the three equal pillars of environmental, economic and social considerations.

Traditionally Iceland has been among the sponsors of draft resolutions on oceans and the law of the sea. This time, however, the draft resolution (A/53/L.35) contains a new element, in operative paragraph 24, that we cannot support.

The Independent World Commission on the Oceans has produced an interesting report. This is, however, a report of an independent commission, a report written by individuals, a report that does not reflect the experience and perspectives of all Members of the United Nations. Most importantly, it is not in conformity with the Convention on the Law of the Sea — for instance, with its provisions on the sovereignty of coastal States within their exclusive economic zones. We believe it is imperative to preserve the integrity of the provisions of the Law of the Sea Convention.

We are also of the view that the report misrepresents certain historical facts and that it advocates an approach that would undermine national sovereignty and sustainable harvesting of marine living resources. The report moreover advocates a global institutional approach to the conservation of the ocean and its resources that is not acceptable. This would tend towards moving the management out of the hands of those who have the knowledge and experience to manage the ocean and its resources in a sustainable manner and place it in the hands of people and institutions often far removed from the complexities of managing fisheries resources.

It is therefore with deep regret that Iceland will abstain in the voting on the draft resolution on oceans and the law of the sea, as presented this year.

Mr. Saliba (Malta): Today this body is discussing a very important agenda item: "Oceans and the law of the sea". Malta, having taken the initiative on the law of the sea, will always follow this matter with interest. The reports of the Secretary-General under items 38 (a) and 38 (b) give us a factual overview of the developments pertaining to the United Nations Convention on the Law of the Sea over the last year. They also highlight some of the actual problems that we are facing.

I must, however, add that lately we have also received the report of the Independent World Commission on the Oceans. This report looks at these issues from a more holistic and long-term perspective, without ignoring present realities. I would say that this report is very timely, and I feel that it would be proper to refer to it. This report has presented us with facts and suggestions that we can ignore only to our peril, and even more so to that of future generations.

There are many ways in which one can gauge the importance of oceans and the seas; suffice it to refer to the Secretary-General's statement:

> "One recent study has estimated the value of all goods and services related to the oceans as $21 trillion, as compared with $12 trillion for those related to the land." *(A/53/456, para. 5)*

Of course these figures might not be exact; however, their significance is undeniable. The same point is made in the final report of the Independent World Commission on the Oceans.

In reality, it is impossible to put a real monetary value on the water around us, as the oceans are an invaluable resource necessary for the very survival of the planet and of the individual States that depend on the oceans. Let me give the example of my country. How can we, as an island, put a price on this important asset when 75 per cent of our drinking water comes from desalination? Without the sea we cannot survive. This is why we have always given the utmost importance to matters related to these issues.

How can we ignore the fact that if we do not take proper care of the seas and the oceans around us, our livelihood and that of future generations might be jeopardized? The Independent World Commission has referred to this important issue. Furthermore, the Commission points out, very rightly, that the concept of the common good is of paramount importance and that high seas cannot be appropriated by any State.

We note with satisfaction that in his report the Secretary-General refers to the fact that, since entering into force, the Convention on the Law of the Sea has received 67 more instruments of ratification, which brings the number of States parties, including the European Commission, to 127. This is certainly an indication that more and more States are recognizing the importance of these issues.

Apart from realizing the importance of the oceans and seas, the international community must also look at the problems we are facing here and now — problems highlighted in the Secretary-General's report. One of these is the traffic in narcotic drugs and psychotropic substances. This is a problem that not only concerns countries of supply, but all of us, since as the report of the Secretary-General states,

> "increasing quantities of drugs are also being moved by circuitous routes, using ports in countries that are not drug producers." *(A/53/456, para. 124)*

In this respect, we note with satisfaction that the United Nations International Drug Control Programme is working on assembling materials that might be used for model legislation by States to fulfil their obligations pursuant to article 17 of the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

One other issue raised in the report of the Secretary-General is that of illegal trafficking of migrants by sea. Unfortunately, the Mediterranean is witnessing a substantial increase in this practice. All Governments concerned — those of the countries from where illegal immigrants start their voyage, as well as those of the countries where these unfortunate persons end their difficult journeys — must cooperate and find ways to put a stop to this crime.

Over recent months in the Mediterranean we have seen the inhumane treatment of fellow human beings. We have seen traffickers who, when they were in danger of being caught by coast-guard patrols, were prepared to throw innocent people overboard. These incidents have even involved children. These callous acts call for strong action in trying to stop this illegal and inhumane trade. One important factor in this fight against this despicable crime should certainly be sentences that would discourage

this trade. People who are prepared to trade on the misery of others should find no refuge in the lack of legal instruments or cooperation between States.

Another major concern of my country in marine-related issues is that of fishing. In this regard we note with dismay parts of the report of the Food and Agriculture Organization (FAO), such as what is cited in paragraph 26 of document A/53/473:

> "'As far as FAO is aware, the Mediterranean Sea is the only region in the world where large-scale pelagic drift-net fishing gear (i.e., nets in excess of 2.5 km) is being deployed.'"

Malta has already made its voice heard and taken the initiative in the FAO's General Fisheries Commission for the Mediterranean on this particular subject.

We have also supported efforts to eliminate this practice from our region, a practice which is rapidly depleting one of the natural resources of the Mediterranean Sea.

In this context, we note with satisfaction the decision taken by the European Union in June of this year to eliminate drift-nets over a period of three and a half years. In welcoming this important decision, it is Malta's hope that all Mediterranean countries, and those countries that use the Mediterranean for fishing purposes, will adopt a similar position in the shortest possible time.

Of course, one cannot ignore the issue of pollution of the marine environment. We hope that legal and technical experts will soon be able to reach agreement on rules and procedures for the determination of liability and compensation for damages resulting from marine pollution. The effects of the pollution of the marine environment are quite obvious.

The reports of the Secretary General on the law of the sea (A/53/456) and large-scale pelagic drift-net fishing (A/53/473), together with the report of the Independent World Commission on the Oceans, convince us even more of the necessity of safeguarding the seas and oceans for future generations.

These important assets are given to us in trust, and if we do not look after them properly we will be doing so not only to our own detriment but even more so to that of future generations. My delegation looks forward to the forthcoming session of the Commission on Sustainable Development, which will be dedicating an important part of its work to the oceans. My delegation believes that the International Year of the Ocean has helped highlight present and future problems, and we feel that a forum is needed to discuss these issues. We therefore look forward to the coming session of the Commission on Sustainable Development, which we hope will study the initiative of my Deputy Prime Minister, who in his address to this Assembly proposed the institution of a biennial committee of the whole to review ocean-related questions in an integrated manner.

Finally, we are also proud to associate ourselves with the letter dated 16 October 1998 from the Permanent Representative of Portugal addressed to the General Assembly contained in document A/53/524. This letter contains an annex on the results of the work of the Independent World Commission on the Oceans, with which we fully concur.

Following in the footsteps of an illustrious predecessor of mine, Mr. Arvid Pardo, I renew my country's commitment to the issues of the oceans and the seas. Malta stands ready to work with other countries to examine new initiatives that will enhance and protect our common heritage.

Mr. Kolby (Norway): The year 1998 was proclaimed the International Year of the Ocean, and, as stated in the Secretary-General's report on oceans and the law of the sea, developments in ocean affairs and the law of the sea have clearly signified the overall trend towards universal participation in and adherence to the legal regime established by the United Nations Convention on the Law of the Sea.

We agree with the Secretary-General's statement that the efforts of the international community are now directed at ensuring a coordinated approach for the implementation of the Convention by harmonizing national legislation and policy developments with the provisions of the Convention. This was also a main conclusion that could be drawn from the seminar entitled "Order for the oceans at the turn of the century", which was organized on the occasion of the International Year of the Ocean in Oslo in August 1998 by the Fridtjof Nansen Institute and with funding from the Norwegian Government.

The three institutions created by the United Nations Convention on the Law of the Sea have all been established, and we welcome the commencement of their

substantive work. We note with satisfaction that the International Seabed Authority has made considerable progress in the past year, including the drafting of the seabed mining code and the approval of work plans for exploration by seven registered pioneer investors. The International Tribunal for the Law of the Sea, through its first judgement on 4 December 1997, has shown its readiness to handle cases submitted to the Tribunal. Also in 1997, the Commission on the Limits of the Continental Shelf completed the drafting of its rules of procedure. We welcome the Commission's formal adoption of these rules of procedure in September of this year.

While underlining such positive developments, we note with concern the information contained in the report of the Secretary-General relating to States' attempts through declarations to attach conditions which may modify the legal effects of provisions of the Convention. According to the report, at least 14 out of the 46 declarations made upon ratification or accession seem not to be in conformity with the provisions of article 310, nor to be supported by any other provisions of the Convention or by any rule of general international law. In this connection, I would like to recall that when ratifying the Convention in 1996, Norway issued a declaration to the effect that it objected to any national declarations or statements that were not compatible with the provisions of articles 309 and 310.

Inconsistencies between national legislation and the rules set out in the United Nations Convention on the Law of the Sea in some areas are a matter of great concern. The Secretary-General's report points out the positive trend of States adapting their legal practice to the provisions of the Convention. However, this should not lead to the conclusion that the provisions of the Convention are fully respected in all cases. It does not apply, for instance, with respect to the right of innocent passage in the territorial sea or regulating marine scientific research.

It is important to emphasize that the success of the Convention depends on respect for its provisions, its unified character and the need to harmonize national legislation with the Convention. It is therefore encouraging that the compliance of States with the provisions of the Convention regarding the establishment of the outer limits of maritime areas is very high. As concerns the breadth of the exclusive economic and fishery zones, the practice of States seems to show a total compliance with the provisions.

Norway reserves its position with regard to the desirability of the proposed convention on underwater cultural heritage under preparation at the United Nations Educational, Scientific and Cultural Organization (UNESCO). The draft under discussion still contains regulations on important jurisdictional issues which are not in conformity with the principles of the United Nations Convention on the Law of the Sea. It is of great importance to avoid any new regulation that could disturb the carefully balanced package of jurisdiction in maritime areas reflected in the Convention. This package was the result of nine years of complex negotiations. In any case, it would be premature, only four years after the entry into force of the Convention, to adopt new regulations on jurisdictional issues which depart from that Convention, while the full potential of the relevant article of the Convention — namely, article 303 — has not yet been utilized. Any new regulations for the protection of the underwater cultural heritage must be in full conformity with the relevant provisions of the Convention, including those concerning the sovereign rights and jurisdiction of the coastal State and the rights and duties of the flag State.

Norway also reserves its position with regard to whether or not UNESCO is the appropriate forum for the negotiation and adoption of such a convention. Norway is concerned by the proliferation of negotiating processes and decision-making in a number of international bodies, as well as the conclusion of new international agreements with direct relevance to the international order of the seas. Norway is convinced that the General Assembly can and should, through the item currently under debate, provide necessary guidance and coordination. Thus, we co-sponsored draft resolution A/53/L.35, which adequately reflects significant developments. Let me, in this connection, express our appreciation for the valuable efforts of Mrs. Lehto of Finland as Coordinator.

The escalation and global reach of organized crime may in many cases be a threat to peace and security and certainly is a threat to maritime transport. The increase in acts of piracy and armed robbery against ships is alarming and a matter of great concern to the shipping industry. Norway therefore supports initiatives taken to combat these acts of violence. In particular, efforts to implement the International Maritime Organization (IMO) Guidelines for Preventing and Suppressing Piracy and Armed Robbery against Ships are noteworthy. In addition, we have observed commendable efforts to prevent illegal trafficking in and transport of migrants. We have taken due note of the initiative of Austria and

Italy to identify elements for an international legal instrument in this respect. In this connection, we would like to underline the absolute obligation derived from the international law of the sea to provide assistance to persons in distress, in conformity with article 98 of UNCLOS.

The IMO also plays an important role in a number of other fields closely related to the implementation of the Convention, for instance, in connection with the marine environment and measures to protect sea areas from the unwanted consequences of shipping activities. Further, Norway attaches great significance to the IMO Guidelines and Standards for the Removal of Offshore Installations and Structures, which can be considered as constituting the generally accepted international standards in this area. We note that more stringent requirements for the removal of offshore installations and structures have been adopted in some regional instruments — for instance, the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic.

Norway would also like to underline the IMO role as the international body responsible for considering traffic separation schemes and routing measures, which have direct bearing on navigation through international straits as well as archipelagic sea lanes. We note that the Maritime Safety Committee, at its sixty-ninth session, adopted two new traffic separation schemes off the coast of South Africa and a new scheme off the coast of Spain.

A sound development of fisheries resources is of fundamental significance to Norway. It is therefore with great concern that we have to recognize that fisheries management generally has failed to protect resources from being overexploited and fisheries from being economically inefficient. This is the case despite the fact that the problems of fishery management are widely recognized and in spite of the adoption of the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries. The main reasons for this situation, as underlined in the Secretary-General's report, seem to be, *inter alia*, the lack of political will to make difficult adjustments, a lack of control of fishing fleets by flag States, and the continued use of destructive fishing practices. It is a serious matter when assessments from the Food and Agriculture Organization of the United Nations (FAO) show that over 35 per cent of the world's major fisheries resources were showing declining yields.

Norway was among the early ratifiers of the 1995 Fish Stocks Agreement and hopes that the process of ratification that has been undertaken by a number of States will very soon lead to its entry into force. At the same time, it ought to be stressed again that the status of fisheries on the high seas is in certain cases so alarming that one cannot await the entry into force of the 1995 Agreement in order to take action. Unregulated fisheries need to be brought under control, and this is a precondition for the sustainable development of important fisheries. We therefore welcome the different initiatives initiated by regional fisheries organizations. The Northwest Atlantic Fisheries Organization (NAFO) has adopted a resolution introducing a scheme to promote compliance by non-Contracting Party vessels with the conservation and enforcement measures established by NAFO. We agree with the Secretary-General when he says that the port State's enforcement of the International Commission for the Conversation of Atlantic Tunas and NAFO's scheme for promoting compliance seem to epitomize a positive trend prevailing within subregional and regional fisheries organizations. The recent annual meeting in Australia of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reinforces this perception. The meeting focused on new measures to reduce illegal, unreported and unregulated fishing.

In this connection, we think it is pertinent to inform the Assembly that Norway has general regulations covering fishing activities in areas beyond national jurisdiction, in addition to specific regulations for certain areas — for instance, the CCAMLR area. The regulations apply to fishing vessels flying the Norwegian flag on stocks not regulated by national authorities. It is prohibited to engage in such activities without prior registration at the Directorate of Fisheries.

Let me conclude by stressing that harmful fishing practices and unwanted catch are a major problem affecting marine biodiversity. There is a need to look closer into the adoption of management measures that can reduce this problem, such as closed seasons, closed areas and legal minimum fish sizes. Norway is strongly concerned about the problem of by-catch and discards and we will seek to advocate measures that could contribute to eliminating this problem.

Mr. Jordán Pando (Bolivia) (*interpretation from Spanish*): The delegation of Bolivia is honoured to speak on agenda item 38, "Oceans and the law of the sea".

The delegation of Bolivia welcomes the Secretary-General's report, contained in document A/53/456, on oceans and the law of the sea, which allows us to assess

the balanced implementation of the United Nations Convention on the Law of the Sea and the development of the three institutions created by it: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

We also wish to emphasize that on the occasion of the International Year of the Oceans special attention must be placed on the fundamental importance of oceans to the well-being of the planet and on the need to protect and preserve strategic marine resources through ecologically sustainable development with a view to the ordered and sustainable global development of existing uses and resources.

The benefits of the uses and resources of the sea to the world economy are numerous and of great importance to the social and economic development of nations and humanity as a whole. It is in this regard that the review of the Commission on Social Development on the subject of the oceans and seas in 1999 is of major importance.

Dynamic technological and scientific progress in the exploration of and exploitation of the oceans presents new opportunities and renewed challenges to be met. It is within this framework that the General Assembly, in fulfilment of its oversight role regarding ocean affairs and the law of the sea, has before it the task of becoming quickly involved in the development of strategies to identify, face and provide solutions to those challenges.

The delegation of Bolivia emphasizes the progress achieved by the Legal and Technical Commission of the International Seabed Authority in drafting the seabed mining code. My delegation hopes that in the course of its work it will consider the results of the technical meeting on the establishment of guidelines to examine the possible impact on the environment of the search for polymetallic nodules in deep seabeds. This recommendation will be particularly significant in the consideration of the draft seabed mining code and of future concessions for exploration and exploitation of the zone.

Resolution 52/183 of 18 December 1997, entitled "Specific actions related to the particular needs and problems of landlocked developing countries", is of fundamental importance to Bolivia, since my country was not landlocked in the past, yet was deprived of its natural maritime condition as a consequence of a hostile confrontation and an imposed and unjust treaty, which ended by closing it off, stripping it of small coast of vital lands that also constituted our sovereign access to the Pacific, an essential aspect of our very existence and our geopolitical calling as a link between the major basins of South America. Ironically, that enclosure was carried out by a country with a 4,000-kilometre coastline from north to south.

In this temporary situation, Bolivia is deprived of the full exercise of the rights and obligations enshrined in the United Nations Convention on the Law of the Sea and is affected in terms of full economic and social development and as a recipient of investments and migrant flows, among other things. Accordingly, we have had to adopt a set of regional cooperation agreements that allow us limited, but always landlocked, freedom of transit.

In this context, part X of the Convention is of fundamental importance to our country. Thus, Bolivia raises the need to increase bilateral and multilateral cooperation in terms of transit, infrastructure, costs and studies on the economic impact on landlocked developing countries or those deprived of access to the sea.

Recent specialized economic studies, including the report of the Trade and Development Board of 1983 and the 1979 report of the Commission of the Cartagena Agreement, have convincingly shown the magnitude of the negative impact that being landlocked or deprived of access to the sea has on the economic growth of developing countries. For my country, the costs, assessed by a Harvard consultant who studied only a continuous 10-year period of enclosure, would exceed more than $4 billion per year, from which we can deduce the significant loss of Bolivian gross domestic product over almost 120 years of maritime dismemberment.

Against this background, international cooperation is of considerable importance in meeting the needs stemming from these realities, as recognized in a series of resolutions and declarations adopted by the General Assembly, United Nations conferences and specialized agencies, as well as within the overall context of cooperation in matters of transit transport between landlocked developing countries and the donor community.

In this context, Bolivia welcomes the call by the Secretary-General, at the request of the General Assembly, to hold a meeting in 1999 of governmental experts from developing countries that are landlocked or deprived of access to the sea, transit representatives and representatives of donor countries and financial and

development institutions to evaluate and determine sectoral and comprehensive solutions in this area. Not all landlocked countries have full access to economic and social development. Studies should be conducted on, for example, which landlocked countries have full access to economic and social development, as well as on the conditions under which other landlocked countries could do so. They have or do not have full access to economic and social development, and this is linked to human rights and the rights of peoples. No country can permanently enclose another one, nor can any country pay the price of perpetual war. That would mean condemning countries to not having full access to economic and social development.

In view of the need to contribute to the development of a complete study on the transit problems of countries that are landlocked or deprived of access to the sea, the texts of the bilateral and subregional agreements and treaties in force that regulate Bolivia's restricted access to and from the sea and its freedom of transit will be duly deposited with the Division for Ocean Affairs and the Law of the Sea.

Finally, the Bolivian delegation emphasizes the positive work carried out by the Secretary-General in fulfilment of resolution 52/26, on oceans and the law of the sea.

Mr. Petrella (Argentina) (*interpretation from Spanish*): The debate that we have every year in this Hall is, in our opinion, of great importance in promoting adherence to the Convention on the Law of the Sea and other, related treaties, and in encouraging the effective work of ocean institutes and cooperation among States.

My delegation wishes to express its gratitude to the Secretary-General for his thorough reports on the subject and to the Legal Counsel and the Division for Ocean Affairs and the Law of the Sea for their able work and assistance to delegations.

Argentina, as a State with a long coast on the South Atlantic, attaches considerable importance to maritime issues. Consequently, we participated actively in all stages of the process that began at the Third United Nations Conference on the Law of the Sea, and we remain particularly active in all initiatives aimed at consolidating the system.

For this reason, Argentina is gratified that this year, which has been proclaimed the International Year of the Ocean, we see a universal trend to adhere to the legal regime established by the Convention on the Law of the Sea and to participate in it. It is particularly satisfying that the three institutions created by the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have now been established and have begun to do substantive work in areas under their competence.

We agree with the Secretary-General that the Convention on the Law of the Sea has allowed for stable relations among States, thus contributing to international peace and security. It is important that initiatives continue to be taken to resolve pending problems and controversies relating to the sea and oceanic resources. In this context, the increase and global spread of organized crime, which has particularly affected maritime transport, is of great concern. The international community must continue to step up its efforts against this form of crime and in particular to combat the constant increase in acts of piracy and armed robbery against ships, in connection with which we see an increasing level of violence.

In addition to their impact on peace and security, the ocean and its resources are of great importance to the world economy. Argentina, with a 4,500-kilometre coastline that is home to significant living resources, wishes to stress its desire to preserve the marine environment and adopt the necessary measures for this purpose in accordance with international law. Furthermore, Argentina has an active policy of conserving its living marine resources, and we have adopted laws to prevent excessive exploitation of maritime areas under our jurisdiction or sovereignty.

At the international level, it is disturbing that, despite the adoption of instruments such as the 1995 Agreement on straddling and highly migratory fish stocks, it has not yet been possible to have a general set of fishing regulations that can protect fishing resources from excessive exploitation. Recent assessments show a trend towards a decline in global fishing resources, and this should stimulate the efforts of the international community to combat harmful fishing practices and adopt the necessary measures to achieve effective compliance with conservation regimes.

Miss Durrant (Jamaica): I have the honour to speak on agenda item 38, "Oceans and the law of the sea", on behalf of the 14 member States of the Caribbean Community (CARICOM) which are Members of the United Nations.

The Assembly will be well aware of the special affinity of CARICOM member States to maritime affairs, given the fact that the Community comprises 12 single-island or archipelagic States and three coastal States. The social and economic development of our countries is inextricably linked to the sustainable development and use of the Caribbean Sea and all its resources.

Member States of the Caribbean Community continue to regard the United Nations Convention on the Law of the Sea as an important framework for national, regional and global regulation of the use of the oceans and their resources, and maintain a keen interest in the activities of the three major organs created by the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

CARICOM delegations are deeply appreciative of the comprehensive reports provided by the Secretary-General under this agenda item, as contained in documents A/53/456 and A/53/473. We wish to thank the representatives of Finland and the United States for having introduced the draft resolutions contained in documents A/53/L.35 and A/53/L.45, which we are pleased to support. We also wish to acknowledge the outstanding contribution made by the United Nations Division for Ocean Affairs and the Law of the Sea in the monitoring of developments relating to the oceans and the law of the sea. We commend the Division for its ongoing provision of advice and technical assistance, particularly to developing countries, in the effective implementation and consistent application of the provisions of the Montego Bay Convention and the Agreement relating to the implementation of Part XI of the Convention. In addition, the Division's Web site has been of tremendous value to our national implementing agencies through the timely dissemination of information.

We are especially pleased to note that a number of States, including our sister State, Suriname, have ratified the Convention in the last year, bringing the number of States parties to 130. We are mindful, however, that although the Convention came into force four years ago, it is still being provisionally applied by some States. It is our hope that universal ratification or accession to the Convention and the Agreement can be achieved at an early date. We must not lose sight of the fact that the resources of the seas are the common heritage of mankind. It is therefore important that all States adhere to the Convention and the Agreement as a demonstration of their commitment to global cooperation and the development of the requisite scientific and technological expertise for the effective and responsible use of these resources.

When we addressed the Assembly last year, CARICOM delegations expressed the hope that the Council of the International Seabed Authority would have completed its negotiation of the mining code for the prospecting and exploration of polymetallic nodules. Regrettably, that objective has not been achieved, but we acknowledge the significant progress which was made during 1998.

Having approved the plans of work of seven pioneer investors for the exploration of the international seabed area over a year ago, it is important that the International Seabed Authority move speedily towards the adoption of a mining code which will provide an appropriate regulatory mechanism for the exploration and eventual exploitation of the resources of the seabed. We therefore urge all Member States to continue to participate in the ongoing negotiations to facilitate the conclusion of an appropriate code by the next session of the Authority, in 1999.

The States members of the Caribbean Community have noted the decision of the Assembly of the International Seabed Authority to hold a single session in August 1999, instead of the customary two sessions, in the light of the prevailing budgetary constraints. We consider it important to ensure that the substantive work of the Authority, relating to the implementation of its mandates under the provisions of the Convention, is not impeded by the lack of adequate resources. In this regard, we call for the cooperation of full members as well as provisional members in meeting their financial obligations to the Authority, in demonstration of their stated commitment to the process of multilateral cooperation on ocean affairs and the law of the sea.

We commend the President of the Council of the International Seabed Authority, Mr. Joachim Koch of Germany, for his contribution and dedication to the advancement of the work of the Authority in 1998, particularly in the face of the many challenges facing the institution. We also acknowledge the important leadership and direction which the Secretary-General, Mr. Satya Nandan, continues to provide to the Authority.

The Caribbean Community welcomes the recent adoption of the Protocol on the privileges and immunities of the International Seabed Authority. We are also pleased to report that the Government of Jamaica has

expanded the physical facilities provided to the secretariat of the Authority in Kingston, in order to enhance its capacity to serve the needs of member States.

The Caribbean Community wishes to commend the International Tribunal for the Law of the Sea for its expeditious action in delivering its first judgement in respect of a dispute between two States parties, including a State member of the Caribbean Community. We regard that achievement as an indication of the significant role to be played by that judicial organ in the early and comprehensive settlement of disputes relating to the interpretation and application of the Convention, as a means of pre-empting any possible unilateral action by the parties concerned which could exacerbate the matter in dispute.

We are also pleased to note the progress made by the Commission on the Limits of the Continental Shelf at its sessions in 1998, which led to the adoption of the rules of procedure, as well as the provisional adoption of its scientific and technical guidelines. The early formal adoption of these guidelines will undoubtedly be helpful to States in preparing submissions regarding the outer limits of their continental shelf.

The States members of the Caribbean Community are committed to the responsible use and sustainable development of the resources of the oceans and seas. In order to fulfil our commitments under the Convention, we are taking steps to synchronize our national policies and legislation at the regional level. In recent months, some of our member countries have established national councils to achieve the integrated management of our ocean and coastal-zone areas. We have also jointly established mechanisms for regional consultations on marine and coastal affairs so as to promote regional action which will facilitate the implementation of multilateral strategies, such as the Barbados Programme of Action and Agenda 21, in relation to the protection of the marine environment in the Caribbean region.

States members of the Caribbean Community recently participated in the meeting of Contracting Parties to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, which negotiated a Protocol to prevent, reduce and control pollution of the marine environment from land-based sources.

The geophysical structure of our small island and coastal States makes their marine ecosystems and biodiversity resources particularly vulnerable to natural disasters, as well as to human activity, including damage to coral reefs. CARICOM member States wish to encourage increased international cooperation in scientific research on the genetic resources of the sea, as well as the underwater cultural heritage, in all regions of the world. We look forward to further discussion at the global level on all of these issues at the seventh session of the Commission on Sustainable Development, in 1999, and we hope that this will lead to the development of intensified strategic action on the sustainable use of marine and coastal resources for development.

The States members of the Caribbean Community attach great importance to our living marine resources, particularly the straddling fish stocks and highly migratory fish stocks. We therefore regard the Agreement governing the conservation and management of straddling fish stocks and highly migratory fish stocks as an important element of the implementation of the Convention. Some States are informally applying that Agreement on a provisional basis and the majority of States are currently taking steps to ratify the Agreement and to adopt legislation to facilitate its implementation. We also consider it important for States to adhere to the Code of Conduct for Responsible Fisheries.

A healthy marine environment is of paramount importance to the social and economic development of our countries. We therefore wish to reiterate our concern about the ecological threat to our marine space as a result of the transportation of hazardous waste and nuclear fuel by sea, including through the Caribbean Sea. We urge bodies such as the International Maritime Organization and the International Atomic Energy Agency, which are charged with the responsibility of monitoring such activities, to promote increased scientific research and increased public awareness of the potential dangers of these substances to both land-based and marine resources. We consider it important that appropriate international attention be brought to bear on the undesirable practice of transporting those substances by sea.

Our Governments are equally concerned about the increasing use of the oceans and the territorial waters of coastal States for criminal activity at sea, including piracy, armed robbery, and the illicit trafficking in drugs and firearms. We therefore support the call for the United Nations to take steps to strengthen the maritime law enforcement capacity of States, particularly the small island developing States around the world.

The commemoration of the International Year of the Ocean in 1998 has served to heighten and create greater public awareness of the importance of the oceans and their resources. We wish to commend the Independent World Commission on the Oceans for its timely report entitled *The Ocean ... Our Future*; the Commission's recommendations have been presented to the Assembly in document A/53/524. The States members of the Caribbean Community express their gratitude to the Government of Portugal and to the European Union for facilitating their individual and collective participation in the Lisbon Expo '98. That exposition constituted a global showcase of the effective use and development of the world's marine resources for the achievement of a better quality of life for all our peoples. Most importantly, it demonstrated the importance of the responsible management of the invaluable resources of our oceans and seas, not only in the promotion of economic development and environmental protection, but also in the maintenance and strengthening of international peace and security.

Programme of work

The President in the Chair.

The President (*interpretation from Spanish*): I should like to make an announcement in connection with agenda item 59, "Question of equitable representation on and increase in the membership of the Security Council and related matters".

As I informed the Assembly yesterday, it is my intention to convene soon a meeting of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, to elect its Vice-Chairmen.

Paragraph 7 of General Assembly resolution 40/243 states that

> "no subsidiary organ of the General Assembly may meet at United Nations Headquarters during a regular session of the Assembly unless explicitly authorized by the Assembly".

May I take it that the General Assembly agrees with my proposal to convene a meeting of the Working Group on agenda item 59 during the main part of the fifty-third session of the General Assembly?

It was so decided.

The meeting rose at 1 p.m.